

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF FLORIDA  
Miami Division

**Case Number: 22-21732-CIV-MORENO**

FERNANDO SIERRA,

Plaintiff,

vs.

RHINO CONTAINERS LLC and WILFRED  
TEJEDA, SR.,

Defendants.

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**ORDER GRANTING IN PART PLAINTIFF'S  
MOTION FOR PARTIAL SUMMARY JUDGMENT AND ADOPTING  
MAGISTRATE JUDGE GOODMAN'S REPORT AND RECOMMENDATIONS**

THE MATTER was referred to the Honorable Jonathan Goodman, United States Magistrate Judge, for a Report and Recommendation on Plaintiff's Motion for Partial Summary Judgment (**D.E. 32**), filed on **December 15, 2022**. The Magistrate Judge filed a Report and Recommendation (**D.E. 57**) on **March 8, 2023**. The Court has reviewed the entire file and record. The Court has made a *de novo* review of the issues that the Magistrate Judge's Report and Recommendation present, and being otherwise fully advised in the premises, it is

**ADJUDGED** that United States Magistrate Judge Jonathan Goodman's Report and Recommendation is **AFFIRMED** and **ADOPTED**. Accordingly, it is

**ADJUDGED** that Plaintiff's Motion for Partial Summary Judgment is **GRANTED in part**. Specifically, because the Defendants concede that Defendant Rhino Containers, LLC is an enterprise under the Free Labor Standards Act and that Defendant Wilfred Tejeda, Sr. is an employer under the Free Labor Standards Act, the Court **grants** Plaintiff's summary judgment motion as to these two elements. But because there are material facts in dispute, the Court **denies**

Plaintiff's request for summary judgment on the issue of whether Plaintiff was an employee or independent contractor. Finally, because Plaintiff is not entitled to summary judgment on the issue of liability, the Court **denies** Plaintiff's request for summary judgment on the issue of good faith.

DONE AND ORDERED in Chambers at Miami, Florida, this 10<sup>th</sup> of March 2023.

  
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FEDERICO A. MORENO  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

United States Magistrate Judge Lauren F. Louis

Counsel of Record